

**REMARKS**

The Office Action mailed July 15, 2010, has been received and its contents carefully considered. Claims 1-12 were pending. Claims 8-11 are withdrawn from consideration as being directed to a non-elected invention. Claims 1-7 and 12 are rejected.

By this response, Applicants have amended claim 1. No statutory new matter has been added. Support for all amendments can be found in the specification.

Also submitted herewith is a Petition for a three-month Extension of Time with the requisite fee.

Withdrawal of the rejection based on the second paragraph of 35 USC 112 is noted with appreciation.

***Claim Rejections under 35 U.S.C. 103 (a)***

I. Claims 1-2 and 5-7 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Nagasawa (JP 10-273107) in view of Omura et al. (U.S. 4,374,463). The rejection is respectfully traversed.

Nagaswa has been considered. It is agreed with the Examiner that there is no teaching of in the Nagaswa document of a “controller” for controlling driving/stopping of the second double-acting driving unit in association with the driving/stopping of the first double-acting. More importantly, however, there is no teaching of fluid-operated mechanism in the operation of a tape feeding unit. Consider Applicants’ Figures 1 and 2, specifically elements (21) and (22), and for example, paragraph [0024] of the published application (US 2006/0093794). Also consider Applicants’ Figure 5, which depicts a prior art device and is discussed in the Background section of the specification. Four motors (M1-4) are identified for the operation of a device.

Applicants' apparatus avoids the use of motors and cams in conjunction with tape feeding units. Some of the pluses of "cam"-less design are discussed, e.g. paragraph [0025]. It is clear that Nagaswa employs the prior art approach. See paragraph [0014] of the translation.<sup>1</sup>

Consider the operation of the movable chucks (10, 10) which are connected by a connecting plate (27) which is put into motion by and connected to air cylinder (21). The tape is released from the Tape Paying-Out Unit A by operation of the air cylinder (21) in Tape feeding unit B. There is no motor. The control plate moves the tape in cooperation with the movable checks (10, 10) into areas where forming Unit C and perforating unit D operate. Consider paragraph [0077]. Stationary chuck (11) then operates by holding the tape in place. This halts the forward progress of the tape and allows the "movable chucks"/"stationary connector" to "reset" to its original position through operation of air cylinder (21). The take-up air cylinder (22) then operates in cooperation with take-up roller (9) and its associated parts (9a-c) to roll up tape T (8).

The Office Action posits that it would be obvious to modify the Nagaswa in light of the teachings of Omura et al. Omura et al., however, does not teach the tape feeding mechanism described above. Omura et al. does not even mention double-acting driving units which are fluid operated. The mention of computer control (901) in a sheet stacking application does not provide the requisite guidance for the control required by the claimed apparatus. There is no mention of "air cylinders". Motors (422) drive the apparatus.

It is not seen how Omura et al. addresses the deficiencies of the primary reference discussed above.

Further, it is not seen why Nagaswa and Omura et al. would be combined. The applications are different. There is no problem in the primary reference for which Omura offers a solution. It appears to be directed to a bundling device for bundling unit sheet stacks. Tape movement is not an issue Omura et al. deals with. There is no issue relative to "cam" issues,

---

<sup>1</sup> Nagasawa was not seeking a solution to the problem sought by Applicants but rather sought a way to prevent thermal influence at the time of molding. The design of their apparatus addressed this issue. Note Abstract. Consider also paragraphs [0004]-[0007] of the translation.

motor spaces and control mechanisms involved with “fluid mechanisms” like those represented by elements (22) and (9(a)-(c)) in Applicants’ Figure 1.

It is respectfully submitted that a proper prima facie case has not been established by the art relied upon with respect to the claims as amended.

**II.** Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagasawa in view of Omura in view of Larsen et al. (U.S. 5,389,190). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagasawa in view of Omura and Teed (U.S. 3,984,272). Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagasawa and Nakajima (U.S. 4,578,140). None of Larsen, Teed or Kanehara remedy the deficiencies of Nagasawa and Omura with respect to the features of claim 1. Since each of claims 3, 4 and 12 directly depend upon claim 1, Applicants advance arguments made for claim 1 herein. Therefore, each of the obvious rejections with respect to claims 3, 4 and 12 must fail.

Further, it is noted that the Examiner has identified certain references as being in analogous fields. On their face, the reasons for making this finding are not apparent. The technology described in the primary reference deals with an embossed tape maker and molding die. Nakajima deals with a hand held pricing gun. (A problem solved is a print quality issue; a cassette having preprinted labels is offered as a solution.). Tweed deals with the formation of disposable diapers. (A problem solved appears to be specific to diaper manufacture. See third paragraph in Summary of Invention section.) Larsen et al is directed to an apparatus for applying a twist-tie to a multiple serving, recloseable, flexible packaging container. (A problem solved involves an alignment issue and twist type application. A specific extracting and cutting mechanism is suggested as a solution.)

It is not seen from the record why a person of ordinary skill in the art to which the invention is addressed, semiconductors, would look to the identified technical areas of the secondary references for solutions to size constraint issues.

Reconsideration and withdrawal of the rejections as to claims 3, 4, and 12 are kindly requested by Applicants.

### CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Therefore it is respectfully requested that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for all allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-4300, Attorney Docket No. 0033036.086.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By: 

Thomas G. Wiseman, Reg. No. 35,046  
1130 Connecticut Avenue; Ste. 1130  
Washington D.C. 20036  
Telephone: (202): 263-4300  
Facsimile: (202): 263-4320

Dated: January 18, 2011

SGR\8652261.1